

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 38 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE R.P.DHOLAKIA

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?
- 1 to 5 - No

ISMAIL VALLI BELIM, PARTNER OF BELIM ASRAF JAFAR & SONS COM

Versus

STATE OF GUJARAT

Appearance:

MR EE SAIYED for Petitioner

MR SA PANDYA, APP for Respondent No. 1

CORAM : MR.JUSTICE R.P.DHOLAKIA

Date of decision: 03/02/99

ORAL JUDGEMENT

Heard learned counsel for the petitioner and learned APP for the State. In this case, Judicial Magistrate First Class, Dhoraji has passed an order under sec.451 of Cr.P.C. on 25-1-1999 ordering for public auction of the muddamal. The said order is under challenge in this petition stating that it is not

tenable.

Notice was issued and learned APP, Mr.S.A.Pandya has appeared and frankly admitted that, looking to the provisions of sec.451 of Cr.P.C., this order is not tenable.

I entirely agree with the say of the learned counsel for the respective parties. Therefore, with the consent of both the parties, following order is passed.

Order dated 25-1-1999 passed by the learned Judicial Magistrate First Class, Dhoraji in connection with C.R.No.II-3005 of 1999 is hereby quashed and set aside. Learned J.M.F.C. is directed to decide the application submitted by the petitioner-accused dated 15-1-1999 on merits strictly keeping in mind sec.451 of Cr.P.C. and, if possible, some priority should be given for deciding this matter.

This Criminal Revision Application stands disposed of. Notice is discharged. Direct Service is permitted.

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